

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STUART REGES,

Plaintiff,

v.

ANA MARI CAUCE, et al.,

Defendants.

CASE NO. 2:22-cv-00964-JHC

**STIPULATED MOTION TO VACATE
AND TO AMEND PLAINTIFF'S
COMPLAINT**

NOTE ON MOTION CALENDAR:
August 1, 2023

As permitted by Federal Rule of Civil Procedure 15(a)(2), LCR 7(d)(1), LCR 10(g), and LCR 15, Plaintiff Stuart Reges ("Plaintiff") and Defendants Ana Mari Cauce, Nancy Allbritton, Magdalena Balazinska, and Daniel Grossman ("Defendants"), by and through their undersigned counsel, submit this motion to vacate this Court's July 18, 2023 Order, ECF No. 43, and to amend Plaintiff's Complaint. After this Court's July 18 order granting Plaintiff leave to file his originally submitted proposed amended complaint, and before he could file that proposed amended complaint, intervening events occurred requiring changes to five of Plaintiff's proposed factual allegations and one prayer for relief. *See* Fed. R. Civ. P.

PLAINTIFF'S MOTION TO VACATE AND
TO AMEND THE COMPLAINT
(2:22-cv-00964)

FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION
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11(b)(3). Plaintiff, with Defendants' consent, therefore seeks leave to file an updated proposed Amended Complaint.

In support of this Motion, the parties state that:

WHEREAS on July 13, 2022, Plaintiff, Professor Stuart Reges, filed his Complaint for Civil Rights Violations in this action against the Defendants;

WHEREAS the Parties stipulated to this Court on July 17, 2023, that Plaintiff, with Defendants' consent, moved to file an amended complaint in this action, ECF No. 42;

WHEREAS the Court granted that stipulation by its July 18, 2023 Order, ECF No. 43;

WHEREAS allegations 108, 109, 112, 145, and 149, as well as prayer for relief (B), made in the originally submitted proposed amended complaint must be altered because of intervening events;

WHEREAS the Parties hereby withdraw the prior stipulation, filed July 17, 2023, ECF No. 42;

WHEREAS the Plaintiff seeks now to file the updated proposed Amended Complaint;

WHEREAS the proposed Amended Complaint updates the originally submitted proposed amended complaint's allegations in paragraphs 108, 109, 112, 145, 149 and prayer for relief (B) to accord with intervening events;

WHEREAS Plaintiff seeks to file his proposed Amended Complaint, which adds newly discovered facts and prayers for relief related to prospective injunctive

1 relief and damages;

2 **WHEREAS** a copy of Plaintiff's proposed Amended Complaint is attached as
3 Exhibit A, and that copy strikes through the text to be deleted and underlines the
4 text to be added, in compliance with LCR 15;

5 **WHEREAS** Federal Rule of Civil Procedure 15(a)(2) provides that "a party
6 may amend its pleading only with the opposing party's written consent or the court's
7 leave" and that "the court should freely give leave when justice so requires";

8 **WHEREAS** Defendants give their written consent, by and through
9 undersigned counsel, for Plaintiff to amend his Complaint;

10 **WHEREFORE, the Parties hereby jointly request**, by and through their
11 respective undersigned counsel, that:

- 12 1. The Court vacate its July 18, 2023 Order, ECF No. 43;
- 13 2. The Court grant Plaintiff leave to file his proposed Amended Complaint and
14 serve it upon all parties via the CM/ECF system within 14 days of the entry
15 of this Stipulated Motion and its accompanying Order;
- 16 3. Defendants' responsive pleading be due 30 days after the Amended
17 Complaint is filed and served.

18 DATED: August 1, 2023

19 By: /s/ James M. Diaz
20 James M. Diaz*
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23 PLAINTIFF'S MOTION TO VACATE AND
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[PROPOSED] ORDER

Pursuant to the foregoing Stipulated Motion to Vacate and to Amend Plaintiff's Complaint, **IT IS HEREBY ORDERED** that Plaintiff, Stuart Reges, is granted leave to file and to serve upon all parties via CM/ECF his Amended Complaint, a struck-through and underlined copy of which is attached as Exhibit A, within 14 days of entry of this Order.

IT IS FURTHER ORDERED that Defendants' responsive pleading or motion shall be due 30 days after the Amended Complaint is filed and served.

IT IS SO ORDERED.

Dated: _____

Hon. John H. Chun
United States District Court Judge

CERTIFICATE OF SERVICE

Plaintiff's counsel confirms that a true and correct copy of the foregoing was served by the Court's electronic filing system on August 1, 2023. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated below and parties may access this filing through the Court's electronic filing system.

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Attorneys for Defendants

Dated: August 1, 2023

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